

**INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COUNTY ADMINISTRATOR**



August 8, 2019

Via email
Mr. Paul Carlisle
City Manager
1225 Main Street
Sebastian, FL 32958

RE: Ordinance 0-19- 04 - Petition for Voluntary Annexation - Graves Brothers Company

Paul:

As a follow-up to our meeting on Friday, August 2nd, concerning the above-referenced matter, I wanted to send you the County's list of concerns in writing before consideration by the Planning and Zoning Commission at its meeting on August 15th as well as the second reading of the ordinance at the City Council's public hearing scheduled for August 28th.

Water/ Wastewater/ Reclaimed Water

It is asserted that "...IRC has an affirmative duty to expand the [IRCDUS water and sewer] system inside and outside the city, and to provide service by the county's water and wastewater systems concurrent with the demands of new growth...".

This statement from the June 26, 2019 City of Sebastian Agenda item 12.A is not accurate. Section 6.05 of the Interlocal Agreement (ILA) adopted September 20, 1995 between the City of Sebastian and the County states that the County " shall have an affirmative duty, and is hereby authorized by the City, to provide, in a manner consistent with this agreement, water and wastewater services within the incorporated area of the City under County ordinances, resolutions, regulations and policies regardless of whether a lot or parcel of land connected with or provided service by the County's water and wastewater system is located in the incorporated area" pursuant to Section 6.08(A) of the ILA which states " The construction, expansion, or acquisition of any water or wastewater utility facilities by the County, or major alterations which affect the quantity or quality of the level of service provided or available within the incorporated area of the City shall be consistent with applicable local government comprehensive plans adopted pursuant to Chapter 163, Part II, Florida Statutes..." IRCDUS provides water and sewer service in accordance with the Urban Service Area boundary and the approved Utility Master Plan which can, but is not required to, accommodate development outside the Urban Service

Area. (County Comprehensive Plan Potable Water Sub Element Policy 5.7 limits the centralized water service to those areas within the Urban Service Area).

Aside from the local government policies that outline logical, efficient and planned growth as set forth in the Indian River County 2030 Comprehensive Plan, there are restraints from the regulatory agencies with respect to the water and/or wastewater capacity that is claimed to be available for this annexation project. From a water capacity perspective, the Florida Department of Environmental Protection (FDEP) recognizes that (currently) IRCDUS can physically produce up to 20.01 Million gallons a day (MGD). However other regulatory constraints such as the St. Johns River Water Management District (SJRWMD) Consumptive Use Permit limits IRCDUS's groundwater withdrawals to 12.83 MGD from 2021-2031. The proposed 1.06MGD of estimated potable water demand places a burden on IRCDUS to increase its FDEP demineralization concentrate (DC) treatment and disposal permit limitations. IRCDUS' current DC site may have to be substantially upgraded to comply with the annexation's full build out projections.

From a wastewater capacity perspective, the collection and transmission infrastructure that will be relied on for this proposed annexation may need to be replaced or upgraded due to additional flow and pressure demands so as to not create an operation and maintenance issue in the future. There will be a need to set aside a minimum of several acres in a strategic location within the annexation boundary for either a potable water storage and re-pump station or a master planned inline sewer pump station that is equipped with emergency power once more engineering data becomes available. Any and all domestic wastewater produced within the 1,118 acres will need to be returned in an equal amount and used as reclaimed water for irrigation, and said requirements should be designed to have adequate storage capacity of the reclaimed water during high precipitation events.

In short, while the City of Sebastian staff agenda dated June 26, 2019 as part of its concurrency analysis denotes that utility capacity exists, there is no unconstrained affirmative duty to serve this area inconsistent with local policies and procedures, and there are complex regulatory restrictions on the current capacity that prohibit the annexation (in its current form) from occurring without needed regulatory changes and/or infrastructure upgrades. Such potential utility capacity concurrency issues cannot be expected to be satisfied by existing IRCDUS rate payers within the Urban Service Area, but instead must be resolved consistent with the Indian River County 2030 Comprehensive Plan and borne by the property owner(s) and/or developer.

Community Development

The conceptual site plan (Exhibit D) and the proposed site Future Land Use Map (Exhibit E) reflect certain aspects consistent with the Indian River County 2030 Comprehensive Plan "new town" concept, such as a town center, extension of an internal street grid system, and conserved lands adjacent to and encompassing the south prong of the St. Sebastian River. Other aspects, however, are inconsistent with the new town concept set forth in the Indian River County 2030 Comprehensive Plan. Those aspects include the lack of a perimeter greenbelt along the project edges outside of the urban service area, and the establishment of two miles of strip commercial/industrial use along (future) 82nd Avenue. Also, for development density

consistency, County staff would prefer a cap on gross residential density at 1.5 units per acre or 2.0 units per acre, with potential for density transfers in from other agricultural areas, allowing concentrations of denser areas within the overall project off-set by green open spaces (as seen with prior large annexations by the City of Fellsmere). Although it has been explained that City commercial /industrial land use classifications allow for multi-family residential use, and thus an opportunity for mixed use along the 82nd Avenue corridor and clustering of commercial/industrial uses at intersections, such a mixture and clustering is not required under the proposed FLUM nor reflected on the conceptual site plan. To address that issue and to provide consistency with the Indian River County 2030 Comprehensive Plan, County staff strongly urges the City of Sebastian adopt a comprehensive plan text amendment concurrent with the land use designation amendment to address that issue and other new town concepts to the benefit of both City and County residents.

Please keep in mind that the annexation does not address the stormwater farming that is proposed for the property. The waterfarming may have an impact on the future land use of the property and the proposed future rezoning.

Public Works

It is important to maintain and extend a connected grid system for transportation purposes. While the annexation addresses the internal grid south of CR 510, there is a lack of connectivity to the areas north of CR 510. Laconia Street is a key north/south roadway segment within the City of Sebastian. Any annexation agreement approved by the City of Sebastian should accommodate the impacts to Laconia Street. Extending Laconia Street south to CR-510 will provide a north/south route between 66th Avenue and where CR-510 turns north to connect to CR-512. Laconia Street provides an internal collector road within the City that will allow for residents to reach CR-510 without unnecessarily travelling to CR-512 or to Barber Street as a means to reach 82nd Avenue and the proposed commercial/industrial area.

Following the meeting between City and County planning staff in March, County staff was under the impression that Laconia Street would be extended, which would help establish connectivity with a well-developed grid system. The Laconia Street extension would combine with other roadways detailed below to ensure a system of roads connecting Sebastian Highlands with the grid system south of CR 510. These connections would be 1.) the City's planned expansion of Shakespeare Street in line with 74th Avenue, 2.) the planned (County/Liberty Park) extension of 70th Avenue south to 81st Street by Liberty Magnet school, 3.) the existing Schuman/66th Avenue connection, as well as Laconia/82nd Avenue. County staff was disappointed to hear that the Laconia Street expansion is no longer planned.

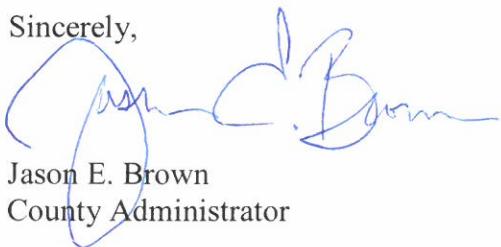
Exhibit B of the annexation package indicates that Graves Brothers Company is dedicating right of way for 82nd Avenue. This is not correct. Florida Department of Transportation is in the process of taking the right of way through eminent domain. It should be transparent to all interested parties that Graves Brothers Company is not dedicating right of way for 82nd Avenue, but is in fact increasing the costs of the 82nd Avenue project as a result of this annexation request.

County staff has contacted the Florida Department of Transportation regarding how the proposed annexation and zoning use changes will impact the cost of purchasing right of way along 82nd Avenue and on CR-510. FDOT stated that the appraiser would consider the likelihood of annexation and a change in zoning when assessing a property's value. A land use of commercial/industrial would typically have a higher value than an agricultural land use and so it would seem that the annexation could increase the property's value, thereby increasing the project costs.

Summary

County staff provides these comments in an effort to improve the pending annexation that is under consideration. Please know that the County fully understands and respects the City's home rule authority to make decisions for the residents and taxpayers of the City. County staff is concerned primarily with the potential impacts that development of this area will have on services that are provided by the County. The County does offer that this is a significant annexation that will impact the future of Sebastian and the entire northern portion of the county for many years to come. We are hopeful that the City will consider these comments and address potential issues fully prior to completion of the annexation process. If you have any questions or would like to discuss this any further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason E. Brown".

Jason E. Brown
County Administrator

CC: Indian River County Board of County Commissioners